

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel.)	
State Engineer,)	No. 69 CV 07941 MV/KK
)	
Plaintiff,)	Rio Chama Adjudication
)	
v.)	Pueblo Claims Subproceeding 1
)	
ROMAN ARAGON, et al.,)	
)	
Defendants.)	
_____)	

JOINT STATUS REPORT

Pursuant to this Court's Order of April 14, 2015 (Document 11077), the undersigned Parties submit this Joint Status Report. The parties are discussing possible resolution of all of Ohkay Owingeh's water rights claims to all sources of water. As a result, this Joint Status Report is being filed simultaneously in the companion case styled *State of New Mexico ex rel. State Engineer, et al. v. Abbott*, No. 68-cv-7488 (MV/WPL) (*Abbott*).

1. Settlement Negotiations

In the preceding 120 days, the negotiating Parties have continued their settlement discussions related to Ohkay Owingeh's settlement proposals to resolve its claims by first addressing its historic and present use of water within its Grant lands. The negotiating Parties' efforts are focused both on the interests of Ohkay Owingeh reflected in the

proposals and on the interests and concerns of the other participating Parties as water users in shared basins. Confidentiality agreements preclude the Parties from disclosing the specifics of the topics being discussed, but, as a general matter, the issues relate principally to the reliability and enhancement of water supplies in the basins where Ohkay Owingeh has asserted water rights claims. A number of options have been identified, the legal issues are being analyzed, and technical data and analyses are being compiled to enable the Parties to evaluate the options. Efforts to develop mechanisms to assess water supply issues within Ohkay Owingeh's Grant lands are also ongoing, with the United States and the Pueblo collaborating in these efforts. In addition, Ohkay Owingeh has continued its efforts to refine and further develop its settlement proposals. The negotiating Parties have also continued to work on the appointment of a Federal Negotiating Team. A decision from the U.S. Department of the Interior is forthcoming. Meetings involving all or some of the negotiating parties were held on March 9 (telephonic), March 25, April 14 and May 8 (telephonic). In addition, counsel for Ohkay Owingeh and counsel for various parties have discussed certain issues by telephone as the need has arisen. These discussions have moved the negotiations toward settlement.

2. Scheduling of Dispositive Motions

The resumption of litigation would detract from the negotiating Parties' efforts to resolve Ohkay Owingeh's water rights claims through negotiation. The undersigned Parties are committed to the negotiation process and are scheduling additional meetings in the coming weeks. As a result, the undersigned Parties do not anticipate the need for

the Court to schedule the filing and briefing of motions for summary or other dispositive motions within the next four months.

3. Rescheduling the Trial

For the same reasons, the undersigned Parties do not believe that the trial should be scheduled at this time.

4. Other Matters

The undersigned Parties suggest that the Court require the filing of a joint status report four months from now, or October 7, 2015, at which time they will report to the Court on their progress and on the question of whether they believe the Court should schedule dispositive motions or otherwise resume litigation.

Dated: June 5, 2015

Respectfully submitted,

/s/ *Curtis G. Berkey*

Attorneys for Ohkay Owingeh

Curtis G. Berkey (CA State Bar No. 195485)

E-mail: cberkey@berkeywilliams.com

Scott W. Williams (CA State Bar No. 097966)

E-mail: swilliams@berkeywilliams.com

Berkey Williams LLP

2030 Addison Street, Suite 410

Berkeley, California 94704

Lee Bergen

Bergen Law Offices, LLC

4110 Wolcott Avenue NE, Suite A

Albuquerque, New Mexico 87109

lbergen@nativeamericanlawyers.com

Attorney for the United States

/s/ Bradley Bridgewater

Bradley Bridgewater
U.S. Department of Justice
South Terrace, Suite 370
999 18th Street
Denver, CO 80202
Bradley.S.Bridgewater@usdoj.gov

Attorneys for State of New Mexico

/s/ Arianne Singer

Arianne Singer
John Stroud
Special Assistant Attorneys General
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
arianne.singer@state.nm.us
jestroud@comcast.net

Attorneys for City of Española

/s/ Jay Stein

Jay Stein
Seth R. Fullerton
Stein & Brockmann, PA
P.O. Box 2067
Santa Fe, NM 87504-2067
jfstein@newmexicowaterlaw.com
srfullerton@newmexicowaterlaw.com

Attorney for Rio Chama Acéquias Association

/s/ Peter Thomas White

Peter Thomas White
Sena Plaza, Suite 50
125 East Palace Avenue
Santa Fe, NM 87501
pwhite9098@aol.com

Attorneys for El Rito Ditch Association and its acéquia members; Gallin-Capulin Acéquia Association and its acequia members; La Asociacion de las Acéquias del Rio Tusas, Vallecitos y Ojo Caliente and its acéquia members

/s/ Mary E. Humphrey

Mary E. Humphrey
Connie Odé
Humphrey & Odé, PC
P.O. Box 1574
El Prado, NM 87529
humphrey@newmex.com
code@newmex.com

Attorneys for Asociacion de Acéquias Norteñas de Rio Arriba

/s/ John W. Utton

John W. Utton
Sheehan & Sheehan, PA
P. O. Box 271
Albuquerque, NM 83703-0271
jwu@sheehansheehan.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of June, 2015, I filed the foregoing electronically through the CM/ECF system, which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Curtis G. Berkey

Curtis G. Berkey